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Paper No. 8

HUMAN GENOME SCIENCES INC
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OFFICE OF PETITIONS

In re Application of	:
Moore et al.	:
Application No. 10/047,021	: DECISION GRANTING PETITION
Filed: 17 January, 2002	:
Attorney Dkt. No. PZ016P2	:

This is a decision on the petition filed on 6 June, 2002, requesting that the above-identified application be accorded a filing date of 17 January, 2002, rather than the currently accorded filing date of 15 January, 2002.

On 17 January, 2002, the application was filed.

On 29 March, 2002, the Office of Initial Patent Examination mailed a filing receipt, showing that the application had been accorded a filing date of 15 January, 2002.

On 6 June, 2002, the present petition was filed. Petitioners argue that the application was filed on 17 January, 2002, rather than 15 January, 2002. In support, petitioners supplied a copy of two postcard receipts with the present petition. One postcard receipt shows an Office date stamp of 17 January, 2002, and acknowledges receipt of, *inter alia*, 690 pages of specification (including 4 pages of claims (23 claims) and 1 page of abstract) and 2 sheets of drawings. The other postcard receipt itemizes the same papers and bears an Office date stamp of 15 January, 2002, and the above-identified application number. Petitioners request that the application be accorded a filing date of 17 January, 2002.

The Office is construing the postcard bearing an Office date stamp of 17 January, 2002, as the first postcard. Apparently, the filing date was incorrectly entered in Office PALM records as 15 January, 2002, after receipt of the application in the USPTO

on 17 January, 2002. Petitioners **must** inform the Office if this is not a correct interpretation.

In view of the above, the petition is granted. The petition fee of \$130.00 is unnecessary and will be credited to counsel's deposit account, No. 08-3425

The application is being returned to the Office of Initial Patent Examination for processing with a filing date of 17 January, 2002, not 15 January, 2002, and for issuance of a corrected filing receipt.

Telephone inquiries should be directed to the undersigned at 703 308-6918.



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